

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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AMADO S. PLA ET AL.,

Plaintiffs,

-v-

RENAISSANCE EQUITY HOLDINGS LLC ET AL.,

Defendants.
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12 Civ. 5268 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

Plaintiffs have advised the Court in the attached letter that they intend to file a motion for reconsideration and request that the Court defer entering the proposed judgment submitted by Defendants on May 10, 2013. Most, if not all, of the grounds proffered for Plaintiffs' motion would not be proper grounds for reconsideration. *See, e.g., Analytical Surveys, Inc. v. Tonga Partners, L.P.*, 684 F.3d 36, 52 (2d Cir. 2012), *as amended* (July 13, 2012), *cert. denied*, No. 12-829, 2013 WL 1500243 (U.S. Apr. 15, 2013) ("It is well-settled that [a motion for reconsideration] is not a vehicle for relitigating old issues, presenting the case under new theories, securing a rehearing on the merits, or otherwise taking a 'second bite at the apple'" (internal quotation marks omitted)).

Nevertheless, out of an abundance of caution, and mindful of the confused nature of the law in this area, the Court will defer entering judgment until Friday, May 17, 2013 or, if Plaintiffs file their motion for reconsideration, until after the Court rules on the motion. Plaintiffs are strongly advised to focus attention how their case can be distinguished from *Ward v. Bank of New York*, 455 F. Supp. 2d 262, 268-69 (S.D.N.Y. 2006), and *Briggs v. Arthur T. Mott*

Real Estate LLC, No. 06-CV-0468 (DRH)(WDW), 2006 WL 3314624, at *3 (E.D.N.Y. Nov. 14, 2006), given their failure to adduce any evidence to dispute Defendants' calculations during the period in which the motion to dismiss was pending.

Plaintiffs' motion for reconsideration shall be filed no later than **May 16, 2013**.

Defendants' opposition, if any, is due **May 24, 2013**. Plaintiffs' reply, if any, shall be filed no later than **May 30, 2013**.

SO ORDERED.

Dated: May 13, 2013
New York, New York



JESSE M. FURMAN
United States District Judge